REMARKS

Applicant filed a Request for Continued Examination on February 27, 2006.

The Examiner has rejected Claim 33 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 33 has been amended as suggested by the Examiner.

The Examiner has rejected Claims 1, 16-17, 32-33 and 48-81 under 35 U.S.C. 103(a) as being unpatentable over Ackroyd (U.S. Patent Application No. 2003/0131256), in view of Hansen et al. (U.S. Patent No. 6,493,755). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims. Applicant respectfully submits that even if Ackroyd and Hansen were combined as suggested by the Examiner, the result would not be the present invention, as claimed.

Ackroyd discloses a managing computer within a computer network that logs messages received from individual computers within that computer network indicating detection of malware. The managing computer detects patterns of malware detection across the network as a whole a triggers associated predetermined anti-malware actions. These may include forcing specific computers to update their malware definition data, forcing particular computers to change their security settings and isolating individual portions of the computer network. However, Ackroyd does not disclose or suggest an event trigger threshold that is configurable to control an amount of the notifications that are received in real-time so as to prevent network congestion that adversely affects the usability of the network.

Hansen discloses a network management application that provides notification of events on network devices using prepopulated notification rules. The notification rule is prepopulated by the network management application using conditions that represent the present state of the device being monitored. An associated notification action is executed when an event on a network device satisfies the conditions of the prepopulated

notification rule. However, Hansen does not disclose or suggest an event trigger threshold that is configurable to control an amount of the notifications that are received in real-time so as to prevent network congestion that adversely affects the usability of the network.

Thus, even if Ackroyd and Hansen were combined as suggested by the Examiner, the resulting combination of Ackroyd and Hansen still would not disclose or suggest an event trigger threshold that is configurable to control an amount of the notifications that are received in real-time so as to prevent network congestion that adversely affects the usability of the network, as required by the present invention, for example according to claims 1, 17, and 33.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.
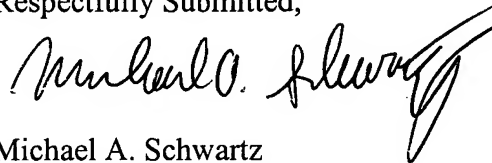
Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19903.0016).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

Michael A. Schwartz
Reg. No. 40,161

Dated: June 2, 2006

Swidler Berlin, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500